

BUSINESS CARDS.

JOHN A. MONROE,
ATTORNEY AND COUNSELLOR AT LAW
FRANKFORT, KY.
WILL practice law in the Court of Appeals, in the Circuit Court, and in all other State Courts held in Frankfort, and will attend to the collection of debts for non-residents in any part of the State.
He will as Commissioner of Deeds, take the acknowledgments of deeds, and other writing to be used or recorded in other States; and as Commissioner under the act of Congress, attend to the taking of depositions, affidavits, etc.
Office, "Old Bank," opposite Mansion House, Louisville, Ky.

HORD & METCALFE,
ATTORNEYS AT LAW,
FRANKFORT, KY.
YASANDER HORD AND JAS. P. METCALFE,
have formed a partnership for the practice of law and the collection of debts, and business entrusted to them will receive prompt attention.
Office as occupied by Judge Hord, on St. Clair street.
April 24, 1858.

P. U. MAJOR,
ATTORNEY AT LAW,
FRANKFORT, KY.
OFFICE on St. Clair street, near the Court House.
Will practice in the Circuit Court, and in the District Court of Appeals, Federal Court, and all other courts held in Frankfort.

S. D. MORRIS,
ATTORNEY & COUNSELLOR AT LAW
FRANKFORT, KY.
PRACTICES in all the courts held in Frankfort, and in the adjoining counties. He will attend particularly to the collection of debts in any part of the State. All business confided to him will meet with prompt attention.
Office on St. Clair street in the new building next door to the Branch Bank of Kentucky, over G. W. Craddock's office.
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JOHN M. HARLAN,
ATTORNEY AT LAW,
Frankfort, Ky.
Office on St. Clair st., with J. & W. L. Harlan.
REFERS TO
Hon. J. J. Crittenden,
Gov. L. W. Powell,
Hon. James Harlan,
Taylor, Turner & Co. Bankers, Lexington, Ky.
G. H. Monsarrat & Co. Louisville, Ky.

E. A. W. ROBERTS,
ATTORNEY AT LAW,
FRANKFORT, KY.
WILL practice in the Franklin Circuit Court, and in the courts of the adjoining counties.
Office east side of St. Clair street, next door to Mr. Harlan's office.
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JOHN RODMAN,
ATTORNEY AT LAW,
ST. CLAIR STREET,
Two doors North of the Court-house.
1858

JOHN M. McCALLA,
Attorney at Law, and General Agent,
WASHINGTON CITY, D. C.
Are receiving their Large Stock of
Fall and Winter Goods,
In Great Variety and
AT VERY LOW RATES!
sept 1 w&w

A. H. C. BROCKEN,
22 Cliff Street, New York,
Manufacturer of Glass Syringes, Homoeopathic
Vials, Graduated Measures, Nursing
Bottles, etc.
GLASS Ware for Chemists, Druggists, Perfumers,
Photographers, etc. Green Glass colored by the
patent. A liberal discount made to the trade. Or-
ders from Country Druggists and Dealers solicited.
Price Lists sent on application.
sept 4 w&w

NEW FIRM.
ED. KEENON.....JNO. N. CRUTCHER
HAYING PURCHASED THE STOCK OF
BOOTS, SHOES, HATS, CAPS,
Books & Stationery.
OF B. EVANS, ALSO THAT OF MORRIS &
HAMPTON, will continue to carry on the above
business, at the stand occupied by B. EVANS, on Main
street, where, by strict attention to business, they
hope to merit as well as receive a liberal share of the
public patronage.
mar 11 1858-ly

LANE & BODLEY,
MANUFACTURERS OF
Wood-Working Machinery,
AND CIRCULAR SAW MILLS,
CINCINNATI, O.
SPECIAL ATTENTION GIVEN TO
Hub, Spoke, Felloe, and Wheel
MACHINERY,
Shafting and Pulleys, with Ball and Socket Hangers,
superior to those in ordinary use, and at the low-
est price. For descriptive Circulars, and ad-
dress
LANE & BODLEY,
Corner John & Water Sts.,
CINCINNATI, O.
aug 19 wly

A. J. JAMES,
Attorney and Counselor at Law,
FRANKFORT, KY.
STOVES & T. WARE.
F. C. SMITH.
SHOP ON ST. CLAIR ST., IN ROOM FORMERLY OCCUPIED
BY MORRIS & HAMPTON.
FRANKFORT, KENTUCKY.
HAYING purchased the interest of C. A. Men-
Merchant & Smith, I would respectfully request all
persons indebted to the concern, to make payments to
me, and to those to whom the firm is indebted, will be
settled with me, as I am alone authorized to settle
the affairs of the late firm. I will continue the busi-
ness in
Copper, Tin and Sheet Iron Work,
Spouting and Guttering
CONTINUALLY ON HAND,
COOKING, PAHLOH & COAL STOVES,
Cistern, Well and Force Pumps, Sheet Lead, Lead,
Pipe, &c.
All orders promptly attended to.
aug 12, 1858-ly

G. A. ROBERTSON'S
If you want excellent Gin, Ball at
1078

OFFICIAL.

Proclamation by Governor.
\$200 REWARD.
COMMONWEALTH OF KENTUCKY,
Executive Department.

WHEREAS, It has been made known to me that
JACOB H. McCune did, on the day of
A. D. 1858, in the county of Graves, kill and murder
John Wiggins, sr., and has since fled from justice.
Now, therefore, I, CHARLES S. MOREHEAD,
Governor of the Commonwealth of Kentucky, by virtue of
the power vested in me by law, do hereby offer a re-
ward of **Two Hundred Dollars** for the apprehension and
delivery of said Jacob H. McCune, within one year from
the date hereof.
In testimony whereof, I have hereunto set my
hand and caused the seal of the Common-
wealth to be hereunto affixed, this 5th day
of November, A. D. 1858, and in the 67th year
of the Commonwealth.
By the Governor: C. S. MOREHEAD,
MASON BROWN, Secy of State.

Proclamation by the Governor.
\$600 REWARD.
COMMONWEALTH OF KENTUCKY,
Executive Department.

WHEREAS, It has been made known to me that
JOHN HENDERSON and JOHN STICKER did, on the
day of
A. D. 1858, kill and murder
Wm. Harris, in the county of Washington, and have
since fled from justice.
Now, therefore, I, C. S. MOREHEAD, Governor of
said Commonwealth, by virtue of the power vested
in me by law, do hereby offer a reward of **Three
Hundred Dollars** each for the apprehension and
delivery of said Henderson and Sticker, within one year
from the date hereof.
In testimony whereof, I have hereunto set my
hand and caused the seal of the Common-
wealth to be hereunto affixed at Frank-
fort, this 20th day of October, A. D. 1858, and in
the 67th year of the Commonwealth.
By the Governor: C. S. MOREHEAD,
MASON BROWN, Secretary of State.

Description.—Henderson is slender; about
5 feet 11 inches high; black hair and eyes; his skull
has been broken in the center of his forehead, just in
the edge of the hair, which is hard to discover; down-
cast expression; rather melancholy, and very intem-
perate; weighs about 150 pounds.
Sticker is about 5 feet 9 or 10 inches high; rather
stout-shouldered; light complexion; goes dressed
rather filthy; rather hard of hearing; slow to speak
when spoken to; very illiterate; weighs about 200
pounds.
oct 21 w&w

Non-Residents' Lands for Forfeiture.
THE following lands will be forfeited to the Com-
monwealth of Kentucky on the 30th day of
February next, if the taxes, interest and due are
not paid on or before said date, to-wit:
No. 1256. Nathaniel Burwell, deceased: 342
acres; Logan (now Trize) county, Cumberland river,
bordered by N. Burwell. Tax due for 1855, 6, and 7,
\$2 75.
No. 745. Thomas Goodwin: 3,000 acres; Harlan
county, Panther creek, bordered and patented by
S. Lewis. Taxes due for 1855, 6, and 7, \$17 10.
No. 777. Alfred Paul: 300 acres; Franklin (now
Owen) county, Saven creek. Surveyed by James
P. H. Taylor. Taxes due for 1855, 6, and 7, \$2 15.
No. 1188. Andrew Dunsmore's heirs: 1,000
acres; Green county, Green river, patented A.
Crummancee. Taxes due for 1855, 6, and 7, \$14 10.
No. 1242. Sarah Carrington, widow of George
Carrington: 1,000 acres; Hickman county, Military
creek No. 253. Entered and surveyed by John Wil-
liams due for 1855, 6, and 7, \$2 75.
No. 1348. Sarah Carrington, widow of George
Carrington: 1,000 acres; Hickman county, Military
creek No. 7. Entered and surveyed by John Wil-
liams. Taxes due for 1855, 6, and 7, \$2 75.
No. 2288. John Wister, John M. Price, and O.
J. Wister: 250 acres; Henry county, waters of
Sand Run and 6 miles. Entered and surveyed by H.
Marshall. Taxes due for 1855, 6, and 7, \$4 25.
No. 2293. John Schobert, deceased: Union coun-
ty, Cypress creek. Entered by R. Whittlebee. Sur-
veyed and patented by H. Higgins. Taxes due for
1855, 6, and 7, \$2 75.
No. 2307. Joseph Smith: 500 acres; Daviess
county, Long Falls creek, surveyed and patented by
J. Barnett. Taxes due for 1855, 6, and 7, \$4 25.
No. 2404. James Barrett's heirs: 107 1/2 acres;
part of 1775; acres; Marshall county, Jonathan's
creek. Entered and surveyed by James Barrett.
Taxes due for 1855, 6, and 7, \$4 68.
No. 3037. Richard Barrett's heirs: 42 1/2 acres;
part of 3007; acres; Marshall county, Jonathan's creek.
Taxes due for 1855, 6, and 7, \$0 91.
No. 3187. John Foster: 500 acres; Washington
county, waters of Clinch. Entered and surveyed by
A. Hendry. Taxes due for 1855, 6, and 7, \$8 25.
No. 3141. John A. Hicks: 300 acres; Owen
county, head Saven. Surveyed by Austin Morris.
Taxes due for 1855, 6, and 7, \$1 10.
No. 3168. W. C. Buck, of Nashville: 800 acres;
Hopkins county, on Deer creek. Patented by Han-
cock Taylor. Taxes due for 1855, 6, and 7, \$0 70.
No. 3196. Ben. Welch: 8 acres; 30th part of
160 acres; Graves county, N. E. cor. 31, T. 3, N. 1.
E. Taxes due for 1855, 6, and 7, \$0 40.
No. 3206. Abram Bradley, of Va.: 176 acres;
part of 300 acres; Highland county, Sand Lick
fork of Pond creek. Taxes due for 1855, 6, and 7,
\$2 90.
No. 3218. John S. Petway: 5 1/2 acres; Butler
county, Big Muddy. Taxes due for 1855, 6, and 7,
\$0 40.
No. 3219. John S. Petway: 100 acres; do, do,
do.
No. 3220. do; 250 acres; do, do,
do.
No. 3221. do; 10 acres; do; Green river, do.
Amount due on Nos. 3218, 3219, 3220, and 3221, is
\$2 85.
No. 3106. James M. Martin: 400 acres; Todd
county, N. E. corner of said county, and surveyed by
Austin Morris. Taxes due for 1855, 6, and 7, \$2 28.
No. 2469. Joseph James: 53 1/2 acres; Warren
county. Entered, surveyed, and patented by Ben
Hart. Taxes due from 1849 to 1857, \$6 38.
Owners, unknown lots in Scottsville, Allen county.
No. 32. Taxes due from 1833 to 1857, \$0 26.
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THE TRI-WEEKLY YEOMAN.

PRINTED AND PUBLISHED BY
S. I. M. MAJOR & CO.,
ST. CLAIR ST., OPPOSITE THE COURT HOUSE.

DEMOCRATIC STATE TICKET.

For Governor,
BERIAH MAGOFFIN,
OF MERCER COUNTY.

For Lieutenant Governor,
LINN BOYD,
OF M'CRACKEN COUNTY.

For Attorney General,
ANDREW J. JAMES,
OF FRANKLIN COUNTY.

For Auditor,
GRANT GREEN,
OF HENDERSON COUNTY.

For Treasurer,
JAMES H. GARRARD,
OF BOYLE COUNTY.

For Register of the Land Office,
THOMAS J. FRAZIER,
OF BREATHITT COUNTY.

Supt. of Public Instruction,
ROBERT RICHARDSON,
OF KENTON COUNTY.

Pres. Board Internal Improvement,
JAMES P. BATES,
OF BARREN COUNTY.

TUESDAY.....JANUARY 25, 1859.

Notice.
Those indebted to the Yeoman Office for subscription, advertising, job work, &c., are informed that their accounts are made out ready for delivery. We are desirous of collecting up as promptly as possible, and we hope our patrons will be ready to assist us in doing so.

Blanks.
We have on hand, or can print to order on the shortest notice, blanks of every description for clerks, magistrates, &c.

Legal cards, circulars, dry goods bills, and job work of every description, printed on the shortest notice and at the lowest prices.

The Louisville Jailer Case.

The late decision of the Court of Appeals in the Louisville Jailer case, which occupies several columns of this paper, will be read with interest and subjected to general criticism. It will bear this, however, without disadvantage to the Court. The result which confirms Thomas in the possession of the office, and excludes Capt. Batman, who is acknowledged to have been legally elected, is by no means such as we could have wished—though we believe it is in accordance with a strict and proper construction of the statutes. It seems hard that no remedy should exist for so flagrant and obvious a wrong as is sustained by Batman in this case; yet the fault lies with the statutes, and not with the Appellate Court. It is the duty of the latter to construe—to interpret law, not to make it.

When the infamous conduct of the Board, who issued a certificate of election contrary to the returns upon the poll-books before them, and the no less disgusting action of the individual who profited by their crime in keeping an office from which he had been ordered to retire by the popular voice, with the other circumstances attending this case, are all considered, it appears to be one in which a liberal leaning to popular sentiment against a strict construction of law might have been expected, and would, to some extent, have been pardonable in a Court elected by the people. This is merely the appearance of things; the reality is quite different. It was not a controversy between Thomas and Batman for the office which the Court had to determine. It had to construe that portion of the statutes which constitutes an Examining Board, to compare the poll-books and issue certificates of election, and a Board to determine contested elections. The questions arising upon the proper construction of the statutes, which alone come before the Court, are clearly and fairly decided. It was not in the power of the Appellate Court to force the Board of contested elections to hear and determine this case between Batman and Thomas, at this day, because Batman failed to give notice within the time prescribed by law, i. e., ten days after the final action of the Examining Board. In a legal point of view, Batman has lost his case by his own neglect.

It is certainly a great wrong and a great hardship, both to Capt. Batman and the people who elected him, that the one should be cheated out of a valuable office, and the will of the other should be set aside by the scoundrelism of Clement, Matlack & Co.; but the want of remedy is attributable only to the insufficiency of the laws in regard to elections. It is a case, however, of a character not uncommon in our system of jurisprudence. The statute of limitations is daily applied in bar of just rights. Men lose property to which they have undoubted legal title when they do not take steps to recover possession within a limited time, and Batman loses his right to contest for an office which was legally his, by the application of a similar rule—the requirement of the statutes to serve notice of contest within ten days, which is actually the law of limitation applicable to his case.

This able decision—strictly in accordance with law, yet against the popular sentiment, and rendered by Democratic judges against a Democrat—shows that an elective bench can be composed of firm and upright material—that it can pursue the line of duty even when that path leads where demagogues would fear to tread.

—We had the pleasure of meeting, on Saturday, two distinguished members of our State Senate—Asa P. Grover and Thos. P. Porter. They made a short visit to our city on professional business.

Joy, Cor & Co's Advertising and Commission Agent, 439 Chestnut Street, Philadelphia. This reliable and well conducted establishment has received in a great degree the confidence of both advertisers and publishers. And we are proud to have among us such an enterprising and deserving firm. To our personal knowledge they conduct their extensive business upon the strict principles of integrity. Every publisher's account is plainly stated upon their books, each item exactly corresponding with the different amounts charged each advertiser, and such amounts are faithfully paid over to each publisher, without other charge or expense than the commissions accruing. Some very extensive operations are carried on through this house for advertisers, who wish to publish in a large number of newspapers through the country, and with great success and satisfaction.

This establishment has become an institution among us, and we speak advisedly when we say that it should receive the entire confidence of both publishers and advertisers.—Exchange.

We have had business with the above firm, and we take pleasure in endorsing them as correct and prompt in all their dealings, and recommending them to our brethren of the press generally.

HARPER.—The February number of this interesting monthly is received—containing "Washington at Morristown," "Ethian Allen and his Daughter," "Follies of Fashion," a continuation of the "Virginians," "A revision of the authorized version of the Bible," and other interesting articles, illustrations, &c. For sale at the book-store of Keenon & Crutcher.

—We see by the Louisville papers that our fellow-townsmen, Dr. Geo. A. Staley, has been elected Engineer for the city of Louisville. Dr. S. is a clever gentleman, an excellent Engineer, and his election to this office is a deserved compliment.

ARRESTED.—Rufus Jones, who killed Henry Jenkins, at Bowling-green, Ky., a few days since, and Henson Wilson, his accomplice, were arrested in Nashville, Tenn., on Thursday, and taken back. Great excitement existed in Bowling-green concerning the affair.

Washington Items.

WASHINGTON, Jan. 21.—As the Hon. George Taylor, representative from the 2d Congressional district of New York, was passing one of the halls of the Capitol, this afternoon, he overheard a highly offensive remark made by Mr. Waldron, of New York, to a companion. Approaching Mr. Waldron, Mr. Taylor asked whether that language was directed against him. On receiving, after some hesitation, an affirmative response, Taylor resented the insult by striking Waldron with his fist. Waldron then struck back with his umbrella, of which Taylor obtained possession after it passed from Waldron's hand, and having struck him with it, threw it at him. Other parties then interfered, and prevented further difficulty. It is said that Taylor made the charges on which Waldron was some time since removed from the office which he held in the Custom-House of New York City. He was formerly Deputy Collector.

The resolution introduced in the Senate to-day by Mr. Seward, of New York, which was referred to the Post-office Committee, provides for continuing the conveyance of the mails between New York and Liverpool by way of Southampton, Havre, and Bremen, and authorizes the Postmaster General to contract with any parties who will give adequate security for the faithful performance of the service, for the sum of \$12,500 for each round trip, or for the sea and inland postage—at the option of the contractors.

The President sent to the Senate to-day a message in reply to the resolution calling for the correspondence which may have been carried on with the Government of Spain, or with any other Government, in relation to the proposed purchase of the island of Cuba, by the United States, not yet made public.

The President states that no such correspondence has taken place which has not already been communicated to Congress. He adds, "In my last annual message, I stated that the publicity which had been given to our former negotiations on this subject, and the large appropriations which may be required to effect the purchase, render it important before making another attempt to renew negotiations, that I should let the whole subject before Congress. I still entertain the same opinion, deeming it highly important, if not essential to the success of any negotiation which I might institute for the purpose, that the measure should receive the previous sanction of Congress."

The message was referred to the Committee on Foreign Relations.

Secretary Cass has applied to Congress for an appropriation for payment of the salary of Townsend Harris, U. S. Minister Resident at Japan.

The House was opened with prayer to-day by a Roman Catholic priest in full dress.

BLOWN UP.—A deplorable accident occurred yesterday afternoon at the first toll-gate on the Lancaster pike. Two men, Jno. Horine and James Mahoney, were engaged in sorting meat in a small closet, when by some accident, the pipe of the latter fell from his mouth, igniting a keg of powder in its descent, which exploded, severely injuring the two men. The former was badly burned on the right side and on both arms, and slightly on the face. The latter was struck on the lower part of the face by the staves of the keg, horribly mangled his chin. His clothes were almost entirely burned off. A little girl, aged ten years, was also slightly burned in the face.

Mountain Democrat, 20th.

APPEAL IN JACKSON COUNTY.—We learn that a terrible fight occurred in McKee, the county seat of Jackson, on Monday last, which resulted in the death of two of the parties concerned. Samuel Isaacs was killed on the ground, and John Morris died the day after. A son of John Morris was nearly cut to pieces, but is not yet dead. Several others were more or less injured. We have not been able to learn the particulars. A feud has been long time existing between the Morris and Isaacs.—Richmond (Ky.) Messenger.

From St. Louis.

St. Louis, Jan. 22.—Dates from Leavenworth to the 20th inst. have been received.

Montgomery has voluntarily given himself up to the authorities to await his trial on charges of complicity in the recent troubles of the Southern borders of Kansas.

Brown is reported to have left the territory. No further difficulties are apprehended. No excitement here.

Death of the Oldest Man in Virginia.

Mr. Philip Jesse, aged 120 years, died in New Garden, Russell county, Va., on the 1st of December. It is stated that a short time before his death he was able to attend to his own household affairs, and while in his one hundredth year he cut and split one hundred rails.

—We were shown, this morning, a letter from the Postmaster General, in which he decides that letters addressed to postmasters, requesting them to forward letters, are official business, and entitled to go free.—Ind. Citizen.

RE-ELECTED.—At a meeting of the Directors of the Covington and Lexington Railroad Company, held in this city on Thursday last, C. A. Withers, Esq., was re-elected Superintendent of said road, and Mr. G. N. Clark Secretary. All right.—Covington Globe.

Our Candidates.
Our numerous readers will find at the head of our columns the names of our candidates for Governor and Lieut. Governor, as well as those of the candidates for the several subordinate offices.

We raise this ticket to our mast-head with a pardonable pride. It is composed of good and true men—of men honest, capable, and faithful to the Constitution—of men who have been tried in the fiery furnace of political truth and fidelity, and who have come forth doubly refined. We adopt the language of our friend of the Maysville Express, in announcing it, says it is composed of men known throughout the length and breadth of the State, and loved and honored wherever they are known; of men whose private characters are not less pure than their public records are honorable and consistent; of men whose nomination by the Convention honors the glorious old Democratic party, and is an honor to the State. It is a ticket which we call to its support the patriotic legions who love Democracy better than Black Republicanism or its kindred allies—who love the interests and the honor of our beloved commonwealth and its sister States better than they do the paltry rewards earned in the service of Northern fanaticism. It is a ticket which we call to its support to the intelligence and the patriotism. It is unobjectionable in all its features. We are proud of it; and pledge it the largest majority ever given by the Democracy.

Of our candidate for Governor, the Hon. Beriah Magoffin, we have spoken freely heretofore. He is an accomplished scholar and polished gentleman, with a heart ever loyal to the principles of generosity and honor. He is a man of talents, an orator of a high degree of ability, and a Democrat who has never known any change or shadow of turning. In the dark days of the party, there was never any doubt as to where he was to be found. Harrison swept over the State—Taylorism struck terror to many of our "county" politicians—and know nothing but the name of Beriah Magoffin, a Democrat, from his integrity—but none of these could ever make any impression upon the heart of Beriah Magoffin. Sternly true as even Linn Boyd himself, he has stood by Democratic principles and battled for their success, with a devotion of which his party has a right to be proud. The Frankfort Yeoman says of him: "Magoffin is evidently one of the prime favorites of the people. He outran his ticket in 1855, as a Presidential elector in 1856 he added a thousand to the majority of his district; and his nomination in the Convention over the veterans of his party promises from the partiality of the people—worthy his due for his many estimable qualities of head and heart—that such 'full-blown honors will ripen upon him' on the next Monday in August, as has fallen upon no other man in this State so young in years, unless we except one now high in office, who is an exception to all rules of promotion."

Of our candidate for Lieut. Governor, the Hon. Linn Boyd, what shall we say to the people of Southern Kentucky, who have known him so long and loved him so well? Around his very name cluster a host of noble and good days gone by, when Jackson battled his ready struggle for the United States Bank—when the Democratic party was assailed by the giants of the opposition—when Calhoun brought all the powers of his God-like genius to the defense of State-Rights and the Constitution—when the timid fled affrighted and the treacherous deserted, and when our State fell a prey to a defiant opposition. To that day the most illustrious of our old men will travel back in retrospection, and they will remember that in Kentucky there was at least one spot upon which the conqueror never set his foot—one spot where the bright and sunny banner of Democracy was ever held aloft in triumph, cheered by the voices of thousands of unbought and unfeared freemen. They will not fail to remember that Linn Boyd was the first District Attorney standard-bearer was Linn Boyd. They will not forget that amidst desertion, treachery, and disaster, Linn Boyd remained true and steadfast as the eternal hills, and stood the center and nucleus around which the shattered hosts of Democracy rallied and clung, and marshaled themselves in the future of our old man will remember that Linn Boyd was the first District Attorney who was selected for Lieut. Governor. He possesses a power and ability upon the stump surpassed by few men in the Union. He is probably the best informed politician in Kentucky. His mind is large, comprehensive, well-balanced, and deeply imbued with the principles of the Constitution and the rights of the people. In debate he is bold, quick, lucid, and eloquent. He will not line with him the tenacity to measure arms with him. His blade is as bright and keen as the cymet of Saladin, and has the unmistakable ring of the genuine Damascus steel. The people have but to know him to love him, and the First District with pride presents him to the State as her brightest jewel.—Paducah Herald.

Important from Europe—More Warlike News.

SANDY HOOK, Jan. 22.—The royal steamship Europa, from Liverpool, on the 20th inst. arrived at this point. A summary of her advices, which are three days later, has been received. The Emperor Napoleon's remark to the Austrian Minister still exercises a depressing effect, notwithstanding the soothing efforts of the Minister, the Emperor's official organ. The advices from Italy indicate a rapidly approaching crisis. The Paris Bourse at one time had declined 2 1/2 since the new year, but was now improving. The disquietude caused by the Emperor Napoleon's menacing words to the Austrian Minister continued to affect the political and financial world. The panic was continued on the Paris Bourse.

On the 19th inst. the Paris Monitor published the following paragraph: "For several days public opinion has been agitated by alarming reports which it is the duty of Government to put a stop to, by declaring that nothing in the diplomatic relations authorize the fears which those reports tend to provoke."

This caused a slight improvement in the funds both at Paris and London, but it was only temporary, and all the improvement was subsequently lost.

It is reported that the French Government has sent a very threatening note to Austria, warning her of the consequences of Austrian troops crossing the Serbian frontiers.

The accounts from Italy are very alarming. Austria is sending strong reinforcements to Lombardy, where there are already on a war footing. An outbreak was anticipated at Milan. It was rumored, but the rumor had not been confirmed, that the city was in a state of siege, and that great agitation existed likewise at Cremona, Modena, and elsewhere.

A scuffle is reported to have taken place between the Austrian and Hungarian soldiers at Cremona.

Further details of the debate in the Spanish Chamber, on President Buchanan's message, show that O'Donnell expressed great surprise at the proposition in regard to Cuba, and declared that the government was disposed to demand due satisfaction for such an insult. He declared emphatically that Spain would never cede any of her territory.

Austria has abandoned the project of concentrating an imposing force on the Serbian frontier. Great depression prevailed at Vienna. The object of the conspiracy at Cracow was to recover the independence of the republic.

It was rumored, but not credited, that Russia had succeeded in negotiating a loan of several millions sterling with the Rothschilds.

LONDON, Saturday, Jan. 8.—The Times intimates that the Emperor's speech to the Austrian Minister was made with a view of learning how the great powers would receive the project of French interference in Italy, and says the result has happily been a decisive and great failure. Owing to the increasing suspicion with which his policy is regarded, the attempt of the Minister to soothe the excitement has but partially succeeded.

English funds opened yesterday at a recovery of 1 1/2 per cent., but closed with a falling tendency. The Paris Bourse yesterday fell three eighths.

BOSTON, Jan. 21.—Ex-Purser Hunter died to-day from the injuries recently inflicted by William Roch, the keeper of a drinking saloon in Richmond street. The deceased was a native of Kentucky.

COURT OF APPEALS.

CAUSES DECIDED.
Saturday, Jan. 22.
Matherly v. Rucker, Clarke; affirmed.
Rucker v. Lewis, Clarke; affirmed.
Bush et al v. Poston, Clarke; reversed.
Fowler v. Fowler, Clarke; affirmed.
Wester v. Macomber, Clarke; reversed.
Manier v. Poston, Clarke; affirmed.
Thompson's adm'r v. Harlow, Barren; affirmed.
Mt. Sterling Turnpike Co. v. Looney, Montgomery; reversed.

ORDERS.
Skillman v. Hamilton, Montgomery; motion overruled.
Ewing v. Clinton, Logan; rule extended to sixtieth day of the term.
Woody v. Luttrell, Mason; appeal dismissed for failure to file record.
Snodgrass v. Odell, Campbell; motion to affirm as a writ.
Judy v. Hutchings' adm'r, Bourbon; cross appeal granted.
Case v. Bryan et ux., Bourbon; (2 cases).
Moore v. Brunner, Bourbon;
Amos v. Batterson, Bourbon—were argued.
Judy v. Hutchings, Bourbon; argued by Eginton & Johnson.

MONDAY, Jan. 24, 1859.
CAUSES DECIDED.
Smith's adm'r v. Johnson et al, Montgomery; reversed.
Berry et al v. Betts' adm'r, Fleming; affirmed.
Merrithew et al v. Garrison, Jefferson; affirmed.
Horton v. Peters, Hardin & Co. Jefferson; reversed.
Moore v. Brunner, Bourbon; reversed.
Mayhugh v. Harper, Nicholas; reversed.
Snodgrass v. Odell, Campbell; affirmed as a delay case.

ORDERS.
Tevis v. Young, Shelby; suspension removed.
Bristow v. William, Bourbon;
Coppage's adm'r v. Bristow, Bourbon;
Groves' adm'r v. Dool's adm'r, Bourbon;
Gabel et al (color) v. Standford's ex'r, Bourbon;
Seamonds v. Seamonds, Bourbon; were argued.

OLD-LINE WHIGS.
The Opposition are trying to make a point out of the fact that no old-line Whig was nominated at Frankfort. This was purely an accident, as all present on the occasion are aware. Nearly every delegation voted more than once for an old-line Whig. There was no concert about the matter. The mass of the Convention were not thinking of making any distinction.

The Democracy of this State can hardly be charged with neglecting old-line Whigs. Two of them are in Congress by the support of the Democratic party; one of them has one of the first-class missions abroad, one is Judge of the Court of Appeals. A number of them were members of the last Leg. session, and will probably be members of the next. We apprehend that very few of them in the State will consider themselves neglected because of the omission to place one of them on the State ticket.

It is well known that the programme was drawn at Frankfort, by the nomination of the Hon. Linn Boyd for Lieut. Governor. He was outrun by the popular Democrat of Mercer, Magoffin. Mr. Magoffin was a favorite, because he promptly accepted the nomination of Lieut. Governor in 1855. Every aspirant this year, who was beaten in 1855, was re-nominated. Two of them are in the foreign service; if they had been in the State, they would have been re-nominated.

That the old veteran of Democracy, the Hon. Linn Boyd, was beaten, was a subject of regret. The second place on the ticket was tendered by acclamation, as soon as suggested. The manner of the offer rendered it impossible for him to decline with any sort of grace. The aspirants for the second place all declined. But for this, it is probable an old-line Whig would have been nominated.—Law. Dem.

Probable Difficulty between Messrs. Douglas and Fitch.

NEW YORK, Jan. 22.—The Herald's Washington correspondent says: In executive session of the Senate to-day an angry and exciting discussion arose between Judge Douglas and Senator Fitch, when words were used which it is thought must lead to a duel. The debate occurred on the question of confirming Potter, of Ohio, as collector of Toledo. Mr. Fitch opposed Potter's nomination, as the man displaced was his friend. He said if the President desired an issue with him (Fitch) he was ready for it. He denounced the appointment, and called on every Senator who was his (Fitch's) friend to vote against it. Mr. Douglas responded, saying he would vote with the Senator from Ohio. He then branched off on the Illinois appointments, and said they were dishonest, corrupt, and incompetent.

Mr. Fitch interrupted Mr. Douglas, and said it was untrue. Mr. Douglas again reiterated what he had said. Mr. Fitch again said untrue. Cries of order then ensued. Mr. Douglas continued the debate. Mr. Fitch replied to Douglas with great bitterness, and said that Senators knew how to prize anything coming from that quarter. Cries of order were again made. Mr. Douglas then replied, and was called to order.

Motions were then made that Mr. Douglas be allowed to go on in order.

Mr. Jefferson Davis opposed it, and said, turning to Mr. Douglas, he had listened with indignation to the language used, and it was that of a highwayman and bravo.

The debate was continued for some time, when a motion was made and the Senate adjourned. It is said the lie was given, and most severe personal remarks made.

MARRIED.

On the 12th inst., in New Liberty, Owen county, GEORGE S. LOW, Esq., of Maine, and Miss KATE, daughter of Alexander M. Rigg, Esq.

DIED.

On the 20th of December, at her residence in Fayette county, Mrs. CATHERINE DARSNEY, in the 64th year of her age.

NEW BOOKS.

S. C. BULL, at the old stand of W. M. Todd, St. Clair street, has received "Harper for February," in addition to which he has the following NEW BOOKS:

Scouring of the White Horse. A new book for boys; beautifully illustrated.
Life of Sir Philip Sidney. Illustrated.
Third volume of President Lincoln's Speeches and Writings. Edited by James H. Wilson.
Lady's Manual of Fancy Work; containing a great many new patterns for fancy sewing, the whole being a complete lexicon of fancy Needlework.
What will He do with It? By Bulwer; in 1 vol.
Frederick the Great; 2 vols.
Mora Dena. By Mrs. Holmes.
The above, together with all the latest standard publications of the day, and a great variety of beautiful VALENTINES, just received at

jan 23 t-w&w S. C. BULL'S Book-store, St. Clair street.

Administrator's Notice.

ALL persons indebted to the estate of William R. Frankfort, deceased, will please come in and settle the same, and those having claims against the said estate must present them properly authenticated within three months from this date, or they will be forever barred.
G. H. JETT,
Adm'r of W. R. Mitchell, deceased.
Frankfort, Jan. 22, 1859.—w

A. H. FRANCIS'S

KEEPS the largest and best assorted stock of Long and Short-cut CARPET CHAIN and COTTON YARNS, Bedding, Wedding, Trunks, Coverlet Yarn, Bed Cords, Wash Lines, Rope in Coils, Mould, Lamp, Candles, Camphene, Lard, and Fluid Wicks, in the city of PHILADELPHIA.

Also, a great variety of FLY NETS, which he offers at manufacturers' lowest cash prices.
R. C. FRANKFORD, of Cotton Yarns, from 4's to 12's, selected.
jan 23 t-w&w

New Tailoring Establishment.

THE undersigned would inform the citizens of Frankfort and vicinity, that he has commenced the business of

FASHIONABLE TAILORING.

on Main street, in Mrs. Noel's house, opposite Mr. W. H. Aver's. He has the first class tailors now making a share of the public patronage, and will warrant all work done to give satisfaction, and his prices as moderate as those of any other Tailor in the city. He has formerly been in business in Versailles, and refers to his customers there.

SEP 2 t-w&w JNO. W. VOORHIES.

Strength and Health Restored.

Mr. John Davidson, living ten miles above Pittsburgh, on the Pennsylvania canal, says: "When I commenced taking Beriah's Holland Bitters, I could hardly walk. Now, I enjoy excellent health."

For Congress.
LAWRENCEBURG, KY., AUG. 27, 1858.
Mr. EDITOR: You are authorized to announce me as a candidate for Congress in the Fifth Congressional District, subject to the decision of a Democratic Convention.

W. F. LEATHERS.

SPECIAL NOTICES.

To the Voters of Kentucky.
I am a candidate for re-election as Auditor of Public Accounts. My past official conduct is the only guarantee that I can offer for the future.
sep 16 t-w&w THOS. S. PAGE.

PAGE, GAINES & PAGE,

Fall Importation of 1858
ST. CLAIR STREET.

We are now in receipt of our Fall stock, which for variety, style, and novelty, cannot be surpassed, consisting in part of
Rich Dress Silks, Ribbons, Silk Robes,
Rebos Aquille, Laces and Embroideries,
Trimmings, Robe a' la's, Linens,
Fancy de Laines, White Goods,
M'gins, Lace Sets, Collars and Steeves,
Hoop Skirts, Lace Curtains,
Dresses, &c.

We have also on hand, and will be receiving during the season, a large stock of Staple Goods, English and American Prints, Flannels, Sheetings, Table Damask, a superior stock of Hosiery and Underwear for Gents and Ladies, Broadcloths, Cassimeres, and Vestings, all of the newest and choicest styles.

Hardware and Groceries of all kinds;

CLARETS.
Velvet, Tapestry, and Brussels; 2-ply and 3-ply Ingrains; Ruges, Mats, and Oilcloth.

Queensware and Glassware of every Description.

All kinds of Country Produce, Beans, White and Plaid Linens, Yarn, Socks and Stockings, taken in exchange for goods.
Buyers are respectfully invited to call and examine our stock, which will offer inducements. Give us a call and judge for yourselves.
oct 1 w&w PAGE, GAINES & PAGE.

Rheumatism Cured.

To the readers of the Yeoman: Preserve this notice. If not afflicted yourself, you may serve suffering humanity by sending it to some one who is.

Dr. Mortimore, by personal treatment, and the use of his remedy, by Physicians and Druggists, has cured probably twenty thousand cases of this painful and paralyzing disease—comprising cases of every seeming form, from those of a recent inflammatory (acute) character, to old chronic cases of ten, twenty, and even thirty years' standing.

This disease is becoming more prevalent every year, and is seldom cured, or even alleviated, by the usual course of treatment. In its active form it often proves fatal, or if not soon arrested, becomes chronic—stiffens the joints, contracts the ligaments, muscles, and tendons, and thus renders the sufferer a cripple for life, or, if ever afterwards cured, even by the use of this remedy, requires longer treatment and greater expense.

This is a vegetable internal remedy which cures the proprietor of it after long suffering, and all the usual remedies known had failed, and is safe to be used in any state of health—even by the most delicate female or child, and its success, in curing rheumatism, is attested by thousands, among whom are eminent physicians, ministers of various denominations, prominent journalists, and individuals of high standing throughout our country, such as should inspire confidence in every rational mind.

This evidence can be had on call at the office; or those at a distance, by addressing the proprietor, will receive, by mail, a circular of evidence. The remedy can be had at \$5 per bottle, or five bottles for \$20. Persons ordering at a distance can remit at the proprietor's risk by registering letter, and the medicine will be forwarded by express, or as directed, to any place in the United States or Europe.

Apply to or address

DR. D. MORTIMORE,
Third street, opposite Journal office,
Louisville, Ky.

Dr. M. can refer to more than one thousand physicians and druggists in the United States in behalf of the efficacy of this remedy.
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METROPOLITAN HALL.

INSTRUCTIVE & AMUSING ENTERTAINMENT!

Dr. G. W. STONE,

OF MASSACHUSETTS,

HAS the honor to announce to the citizens of Frankfort and vicinity that he will perform a series of

WONDERFUL & AMUSING EXPERIMENTS

IN ELECTRO-BIOLOGY,

OR, THE ELECTRIC SCIENCE OF LIFE!!

AT THE

METROPOLITAN HALL,

COMMENCING ON

MONDAY, JANUARY 24TH, 1859,

And continuing every Evening during the Week.

Dr. STONE'S EXHIBITIONS OF THE

MESMERIC PHENOMENA

Upon persons in a perfectly wakeful state, have been attended in the principal cities of Europe and America by large and intelligent audiences.

Admission.....25 Cents.

Doors open at 6 1/2 o'clock; to commence at 7 1/2.

Tickets may be obtained at the Capitol Hotel, at Keenon & Crutcher's and Bull's Bookstores, and at the Door.

THE TRI-WEEKLY YEOMAN.

The Trial Case—Decision of the Appellate Court—Judge Blair's Decision Affirmed—W. K. Thomas the Winner.

The Court being sufficiently advised, delivered the following opinion, to-wit:

We deem it proper to remark by way of explanation, in the commencement of our opinion in this case, that this is not a controversy between Bateman and Thomas, as which one of them is entitled to the office of Sheriff of Jefferson county. This was not a party to these proceedings. They were instituted by Bateman, in the first place, to compel the presiding Judge of the County Court, the Clerk thereof, and the Sheriff of the county, to proceed to discharge of their duties as an examining board, and in that character to determine who was entitled to the office of Sheriff at the August election in 1888. In the second place, to compel the presiding Judge of the County Court, the Clerk thereof, and a Justice of the Peace, to organize as required by law, and proceed to the discharge of their duties as a contesting board.

It will be readily perceived that in determining the questions arising under the proceedings, although Bateman's right to the office was not directly involved, yet it is not presented to the Court for its adjudication. The application to the Circuit Court was not made by Bateman for a decision that he was entitled to the office of Sheriff, nor could the Court have rendered any decision on that question that could have determined which of the claimants had the best right to the office, and have thus settled the controversy between them. This appeal only brings before this Court for investigation the same matters that were passed upon by the Circuit Court.

The law has designated the manner in which such questions shall be ascertained and determined. A board is to be constituted, as prescribed by the statute, to examine the poll books and issue certificates of election. Another board is to be organized in the case of a contested election, for the determining the contest between the claimants. Upon this last mentioned board the law devolves the duty, and confers the power of deciding who is entitled to the office. The Courts have no right to adjudicate upon these questions or to decide such contests. They may, by mandamus, compel either of the boards to act, when it refuses to do so without any good cause. This was the object of the proceedings in this case, and the Court, in its decision, has only brought before this Court for investigation the same matters that were passed upon by the Circuit Court.

The decision of the contesting board is made final and conclusive by the statute. By this provision, the Legislature evidently intended to accomplish a two-fold purpose. A speedy and summary mode of deciding the contest between the claimants, and determining which one of the claimants was entitled to the office, was very important, and to effect this object, the organization of this board was provided for. Another object, equally important was to withdraw these contests from the jurisdiction of the courts, and, as was said in the case of *Newcom* against *Kirley*, 13 B. Mon. 377, "to prevent the ordinary tribunals of justice from being harassed, and, indeed, overwhelmed with the investigations, and involved in the expenditures to which these cases may be expected to give rise." This object was also effected by making the decision of this board final and conclusive in all cases of contested election. From the decisions of this board there is no appeal. Its decisions are final on all questions of both law and fact which may be involved in the investigation of the rights of the claimants to the office in contest.

Upon the assumption that Bateman was duly elected to the office of Sheriff, and we think we are authorized by the facts which appear in the record to act upon this assumption, we will proceed to the examination of the various questions that arise in these cases.

The reasons given by the Clerk of the County Court, and by the Sheriff, for their failure and refusal to act in comparing the polls, will be first considered.

They state that a board for examining the poll-books, composed of two Justices of the Peace, was duly and legally constituted, and all persons in any manner designated by law as constituted members of said board, being unable or failing to appear, and that the board, thus organized, proceeded, on the day fixed by law, to discharge the duties of an examining board.

They state further that they and the presiding Judge of the County Court, and Coroner, were at that election all candidates for re-election to the same office which each of them had previously held, and for that reason they insist they were not qualified to act as members of the board.

The text of the County Court also states that on the day designated by law for comparing the polls, he was too unwell to have attended to and discharged the duties incumbent on the board.

The persons upon whom the law devolves the duty of comparing the polls, cannot excuse themselves, for a failure to discharge that duty, on the ground that it has been discharged by other persons. If the board that may organize be composed of individuals who, under the provisions of the statute, are not consistent members thereof, their action may be disregarded by those who, having been candidates for office, are interested in the election. Having a right to a comparison of the polls by the proper persons, they may proceed by writ of mandamus to compel them to perform their duty, and they are excused from its performance by their inability or disqualification to act. The second reason relied upon, therefore, is the only one necessary to be considered.

The facts upon which the validity of this reason depends are not controverted. The legal effect of those facts is the matter in dispute, and all those facts are material to the question, to-wit: when he is himself a candidate for office at an election, thereby disqualified from acting as a member of the board? Are the other persons, designated by the statutes as members of the board, also disqualified to act as such, when they are candidates for office at the same election?—these are the questions by which the sufficiency of the reason relied upon is to be tested and determined.

The section of the statute which provides for the organization of the board to compare the polls, is as follows:

"The presiding Judge of the County Court, the Clerk thereof, and the Sheriff, or other officer acting for him at an election, shall constitute a board for examining the poll-books of each county, and giving certificates of election. Any two of them may constitute a board; but if either is a candidate, he shall have no voice in the decision of his own case. If, from any cause, two of the before named persons cannot, in whole or in part, act in comparing the polls, their places shall be supplied by the two Justices of the Peace who may reside nearest the court-house."

It is further enacted by the statute, "That if the office of Sheriff is vacant, or if the Sheriff himself is a candidate at any election, all his duties pertaining to that election shall be performed by the Coroner, and such deputies as he shall appoint for that purpose."

The duties of a Sheriff, pertaining to an election, include all those that the statute imposes upon him, both during an election and subsequent thereto. The language used is sufficiently comprehensive to embrace them all; and if any duties are restricted with respect to the intention of the Legislature on this subject, it is entirely removed by the provision relating to the organization of the board. It is to be composed of the presiding Judge of the County Court, the Clerk thereof, and the Sheriff, or other officer acting for him at an election. The Sheriff is not to be a member of the board when, according to the requisition of the statute, some other officer has to act for him at an election. The officer thus acting becomes, in consequence thereof, one of the consistent members of the board. The expression, "the Sheriff, or other officer acting for him at an election," does not mean that either one of them may be a member of the board, but that the Sheriff shall be, unless some other officer has acted for him at an election; then, in that case, the officer thus acting shall be the member, and not the Sheriff.

It follows that the Sheriff was not qualified to act in this case as a member of the examining board. The Coroner did not act for him at the election, because he was himself a candidate. And as the presiding Judge of the County Court was also a candidate, he did not appoint any person to perform the duties of the Sheriff, and

therefore there was no person to take the place of the Sheriff on the board. The judges of the election at each of the precincts had to appoint a person to act in the place of the Sheriff for the election in that precinct. But it is evident that the statute does not contemplate that such persons shall be members of the examining board. The officer who acts for the Sheriff is to be the member. One person alone is referred to, and not several persons who may thus act. Besides, the power which the statute confers on the persons who may be appointed by the judges of the election at each precinct, is expressly restricted to that precinct, and to that day.

As, therefore, the Sheriff was disqualified to be a member of the board, and there was no person to act in his place, and the Clerk of the County Court was too unwell to act on the day appointed by law, a case had occurred where, according to the provisions of the statute, these places were to be supplied by the two Justices of the Peace who resided nearest the court-house. But we think the Clerk of the County Court, had the power, in such a case, to appoint the two Justices of the Peace, and to have them act, under the circumstances, inasmuch as he was also a candidate at the same election.

We regard it as perfectly manifest, from the provisions of the statute, the Legislature intended that only one examining board should be organized. If the Sheriff is not himself a candidate at the election, the other two persons named may be members of the board in conjunction with him, and one of them is a candidate. He is, however, allowed a voice in the decision of his own case, but it is to be decided by the other two members, who are supposed to be disinterested.

Where, however, two of them are candidates, inasmuch as they cannot act in the performance of the duties which have to be discharged by the examining board, their places must be supplied in the manner pointed out by the statute. If one only is thus disqualified, they can still constitute a board, because, although he is not entitled to a vote in his own case, and, therefore, cannot act as a member of the board, yet, the other two being a majority, are able not only to dispose of his case, but to control and regulate all the actions of the board.

But where two of them are unable to act in part, because being candidates, they could not vote for themselves, although each one could vote in the case of the other, yet as they would constitute a majority of the board, and be able to control its action, and might do so to the promotion of their own success and to the prejudice of other candidates, they are not allowed a place. The object of this provision is obvious. It is intended to guard against improper combinations, and to secure just and impartial decisions by the board. When two of the regular members are candidates they may be on the same ticket, and the success of one may secure the success of the other. They may thus have a common interest to subvert, or they might if they were in the board, be secretly influenced to favor one side or the other. The law, therefore, in its wisdom, excludes them both, and other persons are required to fill their places in the board. We do not think the language of the statute is susceptible of the construction insisted upon by the counsel for the appellant. It is certainly true where the members of the board are only in part disqualified to act, that they could act in part.

But the expression, if from any cause two of them cannot act in whole, or in part, then their places are to be supplied by other persons. It is contended that the meaning of this expression is, if they cannot act in any part, then their places are to be supplied; but if they can act in any part, they are required to act. Its obvious meaning, however, is, that if in any part of the business which will come before the board, they cannot act in whole, or in part, then their places are to be supplied by the persons designated by the statute. This construction of the statute is that which is required not only by the language used, but by the policy of the law, and the manifest intention of the Legislature.

We are therefore of opinion that the defendants were not qualified to act as members of the board to compare the polls, and that the action of the board, inasmuch as it was compelled to act, was properly overruled.

Whether the board which did act was or not properly organized, is a question that does not arise in this case. We would, however, remark, that in a case like this, a substantial compliance with the requisitions of the statute is all that is necessary.

The action in the other case is made against the members of the contesting board. They say in their answer that the notice of the application by the appellant to contest the election was not given to the officer who obtained the certificate within the time prescribed by the statute, and for that reason they refused to consider and determine which of the parties had the right to the office.

The statute requires that the notice of the intended application shall be given within ten days after the final action of the board of examiners. The board of examiners delivered to Thomas a certificate that he was elected, on the 5th of the month; but the two copies of the certificate, which the statute requires them to make and leave in the Clerk's Office of the County Court, were filed up and subscribed until the day following. "The certificate of Thomas may have been invested him with the right to the office, but the final action of the board on the subject did not take place until the next day."

As then the final action of the board occurred on the 6th of the month, and the notice was given on the 16th, the question is, was the notice given within the time allowed by the statute?

The result of this inquiry depends upon the mode in which the time is to be computed, under the statute.

In the case of *Woods vs. Patrick*, which was decided in 1808, (Hardin's Rep. 457), it appeared that the order for the change of venue had been made on the 10th of the month, and that the term of the court commenced on the 10th day of the next month, and it was held by the court that the order had been deposited thirty days before the commencement of the term, that being the time required by law, considering the day of depositing the order as inclusive, and the first day of the court as exclusive.

In the case of *Pease vs. Fowler* (3 A. K. Marsh. 164) it was decided that the process, which was executed on the 5th of the month, the first day of the next term to which it was returned being the 15th of the same month, was served ten days before the return thereof. The court referred to the previous case of *Woods vs. Patrick*, and said they would decide the case before them by the well-known common rule of computing time, by which the first day ought to be included, and the other excluded.

Again, in the case of *Ogden vs. Redman*, (3 A. K. Marsh.), in which the question was whether, where an execution had been issued on the 29th of July, and was made returnable on the 29th of August next ensuing, there was a space of thirty days between the *teste* and return. The court decided that there was, and that the expression of the statute being thirty days, at the least, between the *teste* and return, and not between the day of the *teste* and the day of return, did not warrant a departure from the general rule of counting time named in a statute, viz: of excluding one day and including the other.

In the subsequent case of *Sanders' heirs vs. Norton*, (4th Mon. 464) when the Sheriff's notice on the 9th, and made the sale on the 19th day of the same month, it was decided that there was a period of ten days between the notice and the sale, counting one of the days inclusive and the other exclusive, which the Court said was the well known rule in computing any number of days. A petition for rehearing was filed in the case, in which it was contended that the case before the court was an exception to the general rule, because it was provided by the statute which regulated the subject, that the sale should not be made in less than ten days from the court day on which the notice was given, thereby excluding the day on which the notice was given from the computation.

The Court, however, adhered to its opinion, stating that although the statute expressly excluded the day of the advertisement, it did not follow that the day of sale was also to be excluded; that the settled rule of the Court in computing time, under our statutes, was to exclude one day, and include the other, and the circumstance that the statute pointed out which day was to be excluded, did not change the rule or prevent its application. The Court also remarked that the rule was too well settled to be overturned.

In the case of *Smith vs. Cassidy*, (9 B. Mon. 132) this rule was recognized as the correct one, but it was inadvertently misapplied. Neither the day on which the decree was rendered, nor the day upon which the writ of error was issued, was included in the computation of the time that had elapsed before the writ of error was issued.

It is perfectly evident, if one day is to be excluded and one included in the computation, it is wholly immaterial which one of the days is included, or which one is excluded. If the first day is excluded, as it was in the above mentioned case of *Sanders' heirs vs. Norton*, and the last day is counted as one of the intervening days, as it must be under the rule, the result will be precisely the same as it would be if the first day were included and the other excluded.

No new rule was, therefore, asserted in the case of *Chiles vs. Smith's heirs*, (13 B. Mon. 460). The then existing rule was merely set forth and exemplified, and the authorities referred to by which it was sustained.

The Legislature has adopted substantially the same rule. It was enacted in the Revised Statutes (page 189) that when a statute requires a notice to be given, or an act to be done a certain time before any motion or proceeding, there must be that time exclusive of the day for such motion or proceeding. But the day on which such notice is given, or such act is done, may be counted as one day and part of the time. The rule here presented for computation is the same as that one day must be excluded, but the other may be counted as part of the time. It is the same rule substantially which had been previously settled by this Court, that one day was to be excluded and one included in the computation.

The decisions on this point in the other States have been vacillating and contradictory. In some of them the same rule which has been adopted by this Court has been applied, (Presbury vs. Williams, 15 Mass. Rep. 493). In some it has been held that the day on which the act is done ought to be included or excluded, as the nature of the case indicated to the Court the propriety of rigorous or liberal construction, (Lewis vs. Hampton, 1 Serge and Raule, Penn. R. 411, *Clemens vs. Towns*, Texas 107). In the case of *Amold vs. Haines*, 12 Cal. 229, the Supreme Court decided the general rule to be "that where the computation is to be made from an act done, the day on which the act is done is to be included. The same rule was recognized in the case of *Peapack & Co. vs. Graham*, (4 Wash. Cir. Ct. R. 232) as being the true and correct one in the computation of time.

There are several cases in which the rule in a large majority of the earlier cases in the English courts. It has to some extent been departed from, in the more modern cases in that country. (Lester vs. Garland, 15 Ves. C. R. 248, *Hanly vs. Ryle*, 3 B. & C. 633.) These cases, however, did not arise on the construction of statutes, but upon contracts and private instruments, to which there is no reason to extend the rule. The final action of the board, inasmuch as it is a public act, is not so many days after date or after sight, the day of the date or the acceptance must be included. And in the case of other contracts, the intention of the parties should govern. But this does not prove that the rule which has been adopted in this State for the computation of time in cases of a kind under public statutes is wrong, or that it should be changed after it has been acted on uniformly and unvaryingly for more than half a century, and been sanctioned by legislative enactment. It has been well remarked, "that the certainty of a rule is of more importance than the reason upon which it is founded."

There does not seem to be any peculiar reason why this case should be exempted from the operation of the general rule. The final action of the board, inasmuch as it is a public act, is not so many days after date or after sight, the day of the date or the acceptance must be included. And in the case of other contracts, the intention of the parties should govern. But this does not prove that the rule which has been adopted in this State for the computation of time in cases of a kind under public statutes is wrong, or that it should be changed after it has been acted on uniformly and unvaryingly for more than half a century, and been sanctioned by legislative enactment. It has been well remarked, "that the certainty of a rule is of more importance than the reason upon which it is founded."

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CONGRESSIONAL.

WASHINGTON, Jan. 20.—SENATE.—The House bill for the relief of the Mobile and Ohio Railroad was taken up, and considerable debate ensued upon the question whether to pass it or to refer it to the Committee on Public Lands. The matter was subsequently laid over.

The Invalid Pension bill was taken up and passed.

Mr. Benjamin, of La., reported a substitute for the bill introduced by Mr. Mason, authorizing the President to use the public forces of the United States. The substitute was ordered to be printed.

The first section gives power to the President, whenever he has reason to apprehend that any of the transit routes will be obstructed or closed by lawless vessels, or that an attack is threatened against the persons or property of our citizens, to use the land and naval forces to prevent the threatened injury, on condition that the forces used are withdrawn as soon as the object is accomplished.

The second section gives power in case of actual violence to the persons or property of our citizens in any of the Central American States or in Mexico, to use the land and naval forces in exacting instant redress, the forces to be withdrawn as soon as the redress is granted.

The third section requires an immediate report to Congress by the President, of all he may do under the provisions of the first and second sections of the act.

The Pacific Railroad bill, as amended, was then taken up.

Mr. Davis, of Miss., moved to strike out all after the enacting clause, and adopt his minority report, the main features of which are as follows:

To appropriate two millions of dollars and ten sections of land per mile to construct the road, the money appropriation to be included in the form of the proceeds into the Treasury. No terms are named, no monopoly given to any special company, and the road to run from the Atlantic to the Pacific States. He believed that the road could be built over a certain route on these terms, and made a long speech in support of his views.

Mr. Davis spoke for three hours, strongly advocating the Southern route, and gave large details of the topography of the route to show that it is the shortest and cheapest, and from Texas to California can be constructed for the sum named.

It may be here stated that Mr. Pugh's amendment to terminate the road at the eastern boundary of California, was not lost, as erroneously stated in some papers, but is still pending, although it was generally withdrawn, to enable Mr. Davis to offer his substitute.

Mr. Green, of Mo., in reply to Mr. Davis, deprecated the tenor of the Senator's speech, which he considered tended to exalt the advantages of the Southern route, at the expense of the other routes.

As to the Senator's proposition, his road would continue nowhere, and end at a similar place, and there would be no assurance that a road would be built to connect with the Eastern terminus, any more than with the Western. "Who could agree to vote ten millions upon any such doubtful risk?" He, however, did not consider that the road would be built. When we arrive at the point when all parties will concede a portion of their prejudices, under the power of public sentiment, so as to unite on a road to suit all sections, then, and not till then, will the Pacific Railroad be built.

Mr. Doolittle, of Wis., spoke in favor of taking three estimates for contracts. First, For a road north of the 41st parallel. Second, For a road between the 37th and 43rd parallels. And, third, South of the 37th parallel; the President to send all of the said estimates to Congress for its action.

Mr. Iverson stated that he stood to every word he had before uttered in favor of two roads, on sectional and political grounds, and, in addition, had had his views fortified by other evidence. He read a letter from a citizen of Canada who had passed many winters in the interior of this continent, and pronounced the Northern and Southern routes favorable, but the Central route impracticable, in consequence of the drifting snows. He also handed to the Secretary a long scientific paper by Lieut. Murry, of the Observatory, to the same purpose. His paper was not read, but ordered to be printed.

Mr. Brown again spoke as to the constitutionality of the question.

Mr. Mason moved an adjournment.

House.—The bill amending the pre-emption laws was taken up.

Mr. Blair, of Mo., offered the Homestead bill as an amendment, but the motion was ruled out of order.

Mr. Brown, of Pa., offered an amendment, providing that from and after the passage of this act no public lands shall be exposed to sale by proclamation of the President, unless returns from the surveys shall have been duly filed in the land office ten years or more. Adopted by fifteen majority.

The House, by four majority, rejected the bill by refusing to order its engrossment for a third reading.

Much time was consumed in calling the yeas and nays on collateral questions.

The House then went into Committee of the Whole on the state of the Union on the President's message, and immediately took a recess until 7 o'clock.

WASHINGTON, Jan. 21.

SENATE.—Mr. King, of New York, presented a memorial from the citizens of New York for an increase of the pay of the officers of the army.

Mr. Sewall, of New York, introduced a joint resolution concerning the transportation of the mails between New York and Liverpool, and between New York and Bremen and Havre, via Southampton; referred.

Mr. Wilson, of Massachusetts, presented the petition of the Society of Cincinnati and Massachusetts.

Leading private calendar day, very little business of public interest is in course of transaction. Among the most important items of general business transacted were the following:

Mr. Bigler, of Pa., presented a memorial of the citizens of Pennsylvania, urging the imposition of a specific duty on iron.

House.—The proceedings were again opened with prayer by a Roman Catholic priest, in full vestments.

Mr. Morris, of Pa., presented the resolutions of the Legislature of Pennsylvania in relation to, as he said, the subject now attracting the attention of the country.

Mr. Jones, of Tenn., said he did not want to hear them read.

Mr. Florence, of La., remarked that the Pennsylvania Legislature wished to express its opinions here. The clerk commenced reading the resolutions, when Mr. Garnett, of Virginia, objected.

Mr. Barksdale, of Mississippi, said that when a State asks to be heard, the request ought to be granted.

Mr. Florence, of Pa., insisted that gentlemen could only vote intelligently as to the disposition of the resolutions after hearing them read.

Mr. Curry, of Ala., asked whether this was a contest between the Pennsylvania Democrats and the Republicans.

Mr. Florence replied that he had nothing to do with the Pennsylvania Republicans, as such; he was himself a Democrat, and was alone responsible for his acts, as his votes and speeches would show.

Mr. Morris said that in the Senate it was usual to read the resolutions of the State Legislature, and he did not see why the same course should not be pursued in the House.

Mr. Garnett inquired whether this debate was in order.

The Speaker decided that any member has the right to call for the reading.

Mr. Stephens, of Georgia, trusted that Mr. Garnett would withdraw his objection. For him self, he was perfectly willing that resolutions from any State should be read. It was a courtesy due to a sovereign State.

The resolutions were read instructing the Senators and requesting the Representatives in Congress to advocate and vote for such a bill as would not only tend to increase the revenue, but afford ample encouragement to the productive interests of the country, more especially an one which would express a hearty approval of the President's recommendation of special duties.

Mr. McQueen, of La., inquired whether these things are in the Cincinnati platform.

Mr. Montgomery, of Pa., replied, "They are, substantially."

The resolutions were ordered to be printed and laid on the table.

On motion of Mr. Kline, of Ind., a resolution was adopted, calling on the President to furnish information in regard to the recent importation of slaves in Georgia or any other State.

The House then resumed the consideration of the bill to remedy the losses incurred by the citizens of Alabama and Georgia during the Creek hostilities. The bill was, after discussion, rejected.

It involved more than one-third of a million dollars.

Private bills were considered. Adjourned.

7:30 P. M. Prizes amounting to \$309,292.

Whole Tickets \$10; Halves \$5; Quarters \$2 1/2.

Certificates of Packages will be sold at the following rates, which is the risk.

Certificate of Package of 62 Whole Tickets, \$149 50
Certificate of Package of 31 Half Tickets, \$74 75
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IN ORDERING TICKETS OR CERTIFICATES, Inclose the amount of money to our address for what you wish to purchase; name the Lottery in which you wish to invest, and whether you wish Dollars, Halves or Quarters, on receipt of which, we send what is ordered, by first mail, together with the scheme.

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